

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

STEVEN POWELL : CIVIL ACTION
: :
v. : :
: :
ROZUM, et al. : NO. 13-364

ORDER

AND NOW, this 16th day of April, 2013, upon careful and independent consideration of plaintiff Steven Powell's pro se petition for habeas corpus pursuant to 28 U.S.C. § 2254 (docket entry # 1) and the Honorable David R. Strawbridge's report and recommendation (docket entry # 4), to which Powell has not filed an objection within the period specified by Loc. R. Civ. P. 72.1 IV (b), and the Court agreeing with Judge Strawbridge that the petition is untimely under § 2254(d) and that Powell has not provided any basis for equitable tolling, despite an order Judge Strawbridge issued inviting Powell to set forth any arguments that would support such tolling, it is hereby ORDERED that:

1. Judge Strawbridge's report and recommendation (docket entry # 4) is APPROVED and ADOPTED;
2. Powell's petition under 28 U.S.C. § 2254 (docket entry # 1) is DENIED;

3. A certificate of appealability SHALL NOT issue, as Powell has not demonstrated that reasonable jurists would debate the correctness of this ruling; and

4. The Clerk of Court shall CLOSE this case statistically.

BY THE COURT:

/s/ Stewart Dalzell, J.